

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 02-80948

-vs-

HON. ARTHUR J. TARNOW

D-1 ALBERT STEVEN BATES,
D-3 WALTER JOHN BATES, and
D-4 DANTE DERELL TOWNSEND,

VIO: 18 U.S.C. § 371
18 U.S.C. § 2113(a)
18 U.S.C. § 2

Defendants.

THIRD SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

(18 U.S.C. §§ 371, 2113(a) - CONSPIRACY TO COMMIT BANK ROBBERY)

D-1 ALBERT STEVEN BATES
D-3 WALTER JOHN BATES
D-4 DANTE DERELL TOWNSEND

THE CONSPIRACY

From in or about April 2002, through in or about November 2002, in the Eastern District of Michigan, Southern Division, defendants ALBERT BATES, WALTER BATES and DANTE TOWNSEND did knowingly, unlawfully, and willfully conspire, confederate, and agree with each other and with other persons, known and unknown to the grand jury, to commit offenses against the United States, that is, to commit bank robbery, in violation of Title 18, United States Code, Section 2113(a).

OVERT ACTS

In furtherance of the conspiracy and to effect its objects, the defendants and their coconspirators committed numerous overt acts, including the following:

1. In about April 2002, defendant ALBERT BATES spoke with defendant DANTE TOWNSEND about robbing the Bank One located at 14901 East Warren Road, Detroit Michigan. As part of their conversation, ALBERT BATES convinced TOWNSEND to participate in the robbery by telling TOWNSEND that defendant WALTER BATES, a Detroit Police Officer, had given ALBERT BATES instructions regarding how to rob banks.
2. On or about April 12, 2002, defendant ALBERT BATES drove defendant DANTE TOWNSEND to the Bank One located at 14901 East Warren Road, Detroit Michigan, for the purpose of robbing the bank.
3. On or about April 12, 2002, defendant DANTE TOWNSEND entered the Bank One located at 14901 East Warren Road, Detroit Michigan, and passed a demand note to a bank teller.
4. After seeing that a dye pack had exploded on defendant DANTE TOWNSEND, defendant ALBERT BATES fled the area of the bank in the getaway car without defendant DANTE TOWNSEND.
5. In about the Spring of 2002, defendant ALBERT BATES spoke with defendant DANTE TOWNSEND again and tried, unsuccessfully, to persuade defendant DANTE TOWNSEND to participate in another bank robbery.
6. On or about July 30, 2002, Kevin Foster-Bey, wearing a black fisherman's style hat, entered the Bank One located at 14901 East Warren Road, Detroit Michigan, and passed a demand note to a bank teller.

7. Prior to the July 30, 2002, robbery of the Bank One located at 14901 East Warren Road, Detroit Michigan, defendant ALBERT BATES provided Kevin Foster-Bey with the black fisherman's style hat to use during the robbery.

8. On or about August 15, 2002, Kevin Foster-Bey, wearing a tan fisherman's style hat with a Nike logo, entered the Bank One located at 14901 East Warren Road, Detroit, Michigan, and passed a demand note to a bank teller.

9. Prior to the August 15, 2002, robbery of the Bank One located at 14901 East Warren Road, Detroit Michigan, defendant ALBERT BATES provided Kevin Foster-Bey with the tan fisherman's style hat with a Nike logo to use during the robbery.

10. On or about August 15, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the Bank One located at 14901 East Warren Road, Detroit Michigan.

11. On or about August 26, 2002, defendant ALBERT BATES entered the Bank One located at 14901 East Warren Road, Detroit Michigan, wearing the same black fisherman's style hat that Kevin Foster-Bey used in the July 30, 2002, bank robbery, and passed a demand note to a bank teller.

12. On or about August 29, 2002, Kevin Foster-Bey entered the TCF Bank located at 17535 Twelve Mile Road, Lathrup Village, Michigan, and passed a demand note to a bank teller.

13. On or about August 29, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the TCF Bank located at 17535 Twelve Mile Road, Lathrup Village, Michigan.

14. On or about September 6, 2002, defendant ALBERT BATES entered the TCF Bank

located at 17535 Twelve Mile Road, Lathrup Village, Michigan, wearing the same tan fisherman's style hat with a Nike logo that Kevin Foster-Bey used in the August 15, 2002, bank robbery, and passed a demand note to a bank teller.

15. On or about September 11, 2002, Kevin Foster-Bey entered the Comerica Bank located at 12300 Morang Drive, Detroit, Michigan, and passed a demand note to a bank teller.

16. On or about September 16, 2002, Kevin Foster-Bey entered the Charter One Bank located at 8121 Gratiot Avenue, Detroit, Michigan, and passed a demand note to a bank teller.

17. On or about September 20, 2002, defendant ALBERT BATES entered the Charter One Bank located at 28999 Five Mile Road, Livonia, Michigan, and passed a demand note to a bank teller.

18. On or about September 20, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the Charter One Bank located at 28999 Five Mile Road, Livonia, Michigan.

19. On or about September 23, 2002, Kevin Foster-Bey entered the Comerica Bank located at 25192 Greenfield Road, Oak Park, Michigan, and passed a demand note to a bank teller.

20. On or about September 23, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the Comerica Bank located at 25192 Greenfield Road, Oak Park, Michigan.

21. On or about September 24, 2002, Kevin Foster-Bey entered the TCF Bank located at 17535 Twelve Mile Road, Lathrup Village, Michigan, and passed a demand note to a bank teller.

22. Following the September 24, 2002, robbery of the TCF Bank located at 17535

Twelve Mile Road, Lathrup Village, Michigan, defendant ALBERT BATES drove Kevin Foster-Bey from the area of the bank in a getaway car.

23. On or about September 24, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the TCF Bank located at 17535 Twelve Mile Road, Lathrup Village, Michigan.

24. On or about September 27, 2002, Kevin Foster-Bey entered the Comerica Bank located at 27990 Gratiot Avenue, Roseville, Michigan, and passed a demand note to a bank teller.

25. On or about September 27, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the Comerica Bank located at 27990 Gratiot Avenue, Roseville, Michigan.

26. On or about October 2, 2002, defendant ALBERT BATES entered the Huntington Bank located at 1310 S. Gratiot, Mt. Clemens, Michigan, and passed a demand note to a bank teller.

27. On or about October 4, 2002, defendant Kevin Foster-Bey entered the Comerica Bank located at 25555 Coolidge Road, Oak Park, Michigan, and passed a demand note to a bank teller.

28. Shortly before the October 4, 2002, robbery of the Comerica Bank located at 25555 Coolidge Road, Oak Park, Michigan, defendant ALBERT BATES applied crazy glue to Kevin Foster-Bey's fingers.

29. Shortly before the October 4, 2002, robbery of the Comerica Bank located at 25555 Coolidge Road, Oak Park, Michigan, defendant ALBERT BATES drove Kevin Foster-Bey to the

area of the bank, waited for him to rob the bank, and then drove him from the area of the bank after the robbery.

30. Shortly before the October 4, 2002, robbery of the Comerica Bank located at 25555 Coolidge Road, Oak Park, Michigan, defendant WALTER BATES drove to the area of the bank, waited for Kevin Foster-Bey to rob the bank, and then followed defendant ALBERT BATES as he drove Kevin Foster-Bey from the area of the bank after the robbery.

31. On or about October 8, 2002, Kevin Foster-Bey entered the Standard Federal Bank, located at 15010 East Jefferson Avenue, Grosse Pointe Park, Michigan, and passed a demand note to a bank teller.

32. Shortly before the October 8, 2002, robbery of the Standard Federal Bank, located at 15010 East Jefferson Avenue, Grosse Pointe Park, Michigan, defendant WALTER BATES applied crazy glue to Kevin Foster-Bey's fingers while both men were inside defendant WALTER BATES' Jeep Liberty.

33. Shortly after the October 8, 2002, robbery of the Standard Federal Bank, located at 15010 East Jefferson Avenue, Grosse Pointe Park, Michigan, defendant WALTER BATES drove Kevin Foster-Bey from the area of the bank to WALTER BATES' father's girlfriend's house.

34. On or about October 8, 2002, defendant WALTER BATES used a telephone to communicate with his coconspirators regarding the robbery of the Standard Federal Bank, located at 15010 East Jefferson Avenue, Grosse Pointe Park, Michigan.

35. On or about October 9, 2002, shortly after being stopped and questioned by a law enforcement officer regarding the October 4, 2002, robbery of the Comerica Bank located at 25555 Coolidge Road, Oak Park, Michigan, defendant WALTER BATES used a telephone to

communicate with his coconspirators regarding the robbery.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(18 U.S.C. §§ 2113(a), 2 - BANK ROBBERY; AIDING AND ABETTING)

D-1 ALBERT STEVEN BATES
D-4 DANTE DERELL TOWNSEND

On or about April 12, 2002, in the Eastern District of Michigan, Southern Division, defendant DANTE TOWNSEND, aided and abetted by defendant ALBERT BATES, did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of Bank One, 14901 E. Warren, Detroit, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Sections 2113(a) and 2.

COUNT THREE

(18 U.S.C. § 2113(a) - BANK ROBBERY)

D-1 ALBERT STEVEN BATES

On or about August 26, 2002, in the Eastern District of Michigan, Southern Division, defendant ALBERT BATES did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of Bank One, located at 14901 East Warren Road, Detroit, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

COUNT FOUR

(18 U.S.C. § 2113(a) - BANK ROBBERY)

D-1 ALBERT STEVEN BATES

On or about September 6, 2002, in the Eastern District of Michigan, Southern Division, defendant ALBERT BATES did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of TCF Bank, 17535 Twelve Mile Road, Lathrup Village, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

COUNT FIVE

(18 U.S.C. § 2113(a) - BANK ROBBERY)

D-1 ALBERT STEVEN BATES

On or about September 20, 2002, in the Eastern District of Michigan, Southern Division, defendant ALBERT BATES did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of Charter One Bank, 28999 Five Mile Road, Livonia, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

COUNT SIX

(18 U.S.C. §§ 2113(a), 2 - ATTEMPTED BANK ROBBERY; AIDING AND ABETTING)

D-1 ALBERT STEVEN BATES

On or about September 24, 2002, in the Eastern District of Michigan, Southern Division,

Kevin Foster-Bey, aided and abetted by defendant ALBERT BATES, did attempt, by intimidation, to take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of TCF Bank, 17535 Twelve Mile Road, Lathrup Village, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Sections 2113(a) and 2.

COUNT SEVEN

(18 U.S.C. § 2113(a) - BANK ROBBERY)

D-1 ALBERT STEVEN BATES

On or about October 2, 2002, in the Eastern District of Michigan, Southern Division, defendant ALBERT BATES did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of Huntington Bank, 1310 South Gratiot Avenue, Mount Clemens, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113(a).

COUNT EIGHT

(18 U.S.C. §§ 2113(a), 2 - BANK ROBBERY; AIDING AND ABETTING)

D-1 ALBERT SEVEN BATES

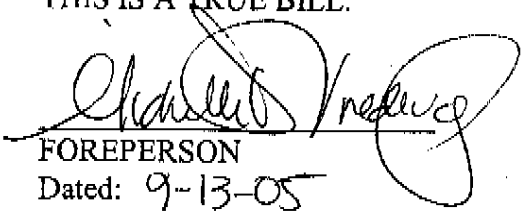
D-3 WALTER JOHN BATES

On or about October 4, 2002, in the Eastern District of Michigan, Southern Division, Kevin Foster-Bey, aided and abetted by defendants ALBERT BATES and WALTER BATES, did by intimidation take from the presence of a bank teller, United States currency, belonging to and in the care, custody, control, management and possession of Comerica Bank, 25555

Coolidge Road, Oak Park, Michigan, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Sections 2113(a) and

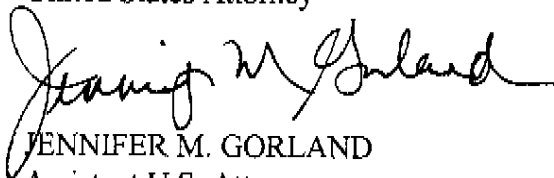
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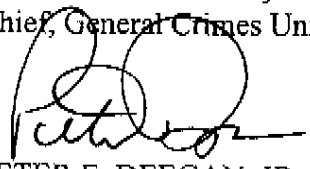
THIS IS A TRUE BILL.


FOREPERSON

Dated: 9-13-05

STEPHEN J. MURPHY
United States Attorney


JENNIFER M. GORLAND
Assistant U.S. Attorney
Chief, General Crimes Unit


PETER E. DEEGAN, JR.
Assistant U.S. Attorney

Criminal Case Cover SheetUnited States District Court
Eastern District of Michigan

Case Number 02-80948

ARTHUR J. TARNOW

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials:

Case Title: USA v. Albert Steven Bates, Walter John Bates, Dante Derell Townsend
County where offense occurred : Wayne, Oakland, Macomb

Check One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

- ☐ Indictment____/Information____ no prior complaint.
☒ **Indictment**____/Information____ based upon prior complaint [Case number:____]
☒ Indictment X /Information____ based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information:Superseding to Case No: 02-80948 Judge: Tarnow

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☒ Embraces same subject matter but adds the additional defendants or charges below:

Defendant name

Dante Derell Townsend (Counts 1 and 2)
 Albert Steven Bates (Count 2)

Charges

18 U.S.C. § 371, 2113(a)
 18 U.S.C. § 2113(a)

September 13, 2005

Date


PETER E. DEEGAN, JR.

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¹ Companion cases are matters in which it appears that substantially similar evidence will be offered at trial or the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.